Case: 13-16795, 10/03/2013, ID: 8811902, DktEntry: 5, Page 1 of 5 OFFICE OF THE CLERK U.S. COURT OF APPEALS 1 STEVEN VACHANI (pro se) 2425B Channing, #216 2 Berkeley, CA 94704 2013 OCT - 3 PM 3: 38 Telephone: (917) 267-8823 3 FILED. DOCKETED. 4 DATE INITIAL 5 6 7 8 CLERK OF THE COURT 9 UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT 10 11 FACEBOOK, INC., Case No. 13-16795 12 Plaintiff-Appellee, RESPONSE TO CLERK'S ORDER 13 REGARDING LACK OF JURSIDCTION OVER APPELLANT'S v. 14 INTERLOCUTORY APPEAL STEVEN SURAJ VACHANI, 15 Defendant-Appellant. BY FAX 16 17 On September 6, 2013, I, Steven Vachani, appealed to the Ninth Circuit United States 18 19 Court of Appeal from the Order Re Attorneys Fees and Costs for Renewed Deposition<sup>1</sup> entered 20 August 7, 2013, and on September 9, 2013, the Court assigned the case number for the appeal and 21 set the briefing schedule. 22 On September 13, 2013, a File Clerk Order was entered in this appellate action stating: "A 23 review of the record suggests that this court may lack jurisdiction over the appeal because the 24 district court's August 7, 2013 'order re attorneys fees and costs for renewed deposition' does not 25

<sup>1</sup> Facebook, Inc. v. Power Ventures, Inc., et al., CAND Case No. 5:2008cv05780; Dkt. No. 356.

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appear to be appealable." In summary, the clerk rejects immediate appeal of the District Court

1 Order because it 1) was issued by a magistrate judge, and 2) is a sanctions order of a type not 2 generally appealable prior to the entry of final judgment. 3 On September 25, 2013, a final judgment in Facebook, Inc. v. Power Ventures, Inc., et al. 4 was entered<sup>2</sup>. A true and correct copy of the final judgment is attached hereto as Exhibit A. As 5 final judgment has now been entered and the U.S. Court of Appeal has acquired jurisdiction over 6 interlocutory orders, as well as those issued by a magistrate judge, I respectfully submit that the 7 instant action be allowed to advance without dismissal. 8 9 I declare under the penalty of perjury of the laws of the State of California that the 10 foregoing is true and correct. 11 Respectfully submitted, 12 13 Dated: October 2, 2013 /s/ Steven Vachani 14 15 San Francisco, CA 16 PRO SE DEFENDANT STEVEN VACHANI Steven Vachani (pro per) 17 2425B Channing, #216 Berkeley, CA 94704 18 19 20 21 22 23 24 25 26 27 28 <sup>2</sup> Facebook, Inc. v. Power Ventures, Inc., et al., CAND Case No. 5:2008cv05780; Dkt. No. 374.

Case: 13-16795, 10/03/2013, ID: 8811902, DktEntry: 5, Page 3 of 5

## UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA SAN JOSE DIVISION

FACEBOOK, INC.,		) Case No.: 08-CV-5780
	Plaintiff,	) JUDGMENT
V.		)
POWER VENTURES, INC., a Cayman Island corporation, and STEVE VACHANI, an individual,		)
	Defendants.	)

In ECF No. 373, the Court denied Defendants' motion for leave to file a motion for reconsideration of this Court's order granting Plaintiff summary judgment against Power Ventures (ECF No. 275), granted Plaintiff's motion for permanent injunctive relief, granted Plaintiff's motion for summary judgment regarding the liability of Defendant Vachani, and granted Plaintiff's motion for damages. Accordingly, the Clerk of the Court shall enter judgment in favor of Plaintiff. The Clerk shall close the file.

## IT IS SO ORDERED.

Dated: September 25, 2013

Jucy H. Koh

United States District Judge

Case No.: 08-CV-5780-LHK

JUDGMENT

CERTIFICATE OF SERVICE 1 2 I hereby certify that on October 3, 2013, I filed the foregoing document with the Clerk of the 3 Court, and have sent notification of such filing via electronic mail to all parties of record in this 4 matter as addressed below: 5 6 Monte Cooper & Neil Chatterjee 7 Orrick, Herrington and Sutcliffe 8 Mcooper@orrick.com Nchatterjee@orrick.co 9 10 Steven Suraj Vachani vachani@yahoo.com 11 Amy Sommer Anderson Esq. 12 Aroplex Law Anderson@aroplexlaw.com 13 14 15 16 17 18 19 20 I declare under penalty of perjury under the laws of the State of California that the foregoing 21 is true and correct. Executed in San Francisco, CA, on October 3<sup>rd</sup>, 2013 22 By: 23 24 25 Steven Suraj Vachani 26 27 28